

REMARKS

As the Examiner is aware, this case is part of the Motorola "bulk filing" applications. SPEs Lee, Nathan and Chaudhry are familiar with this issue, as is Examiner Baumeister. An IDS was filed in this case on May 8, 2003 under provisions provided for by the Office as a result of a Petition for these cases.

Applicants traverse the rejections in the Office letter, as the combinations of references do not set forth a *prima facie* case of obviousness against Claim 1 of the application, which reads:

A semiconductor structure comprising:
a monocrystalline substrate;
an amorphous intermediate layer formed overlying said substrate;
a binary metal oxide material layer formed overlying said amorphous intermediate layer; and
a monocrystalline material layer formed overlying said binary metal oxide material layer.

For example, no reference discusses the "stack" of substrate/layers as claimed herein nor their specific arrangement with respect to one another. With specific reference to Yano, Applicant notes that no amorphous layer is present, and the references that allegedly make up for that lacking in Yano, Jia and Guenzer, fail to disclose a structure like Yano. Thus, one of ordinary skill would not combine these references, and even if one did, they would have no guidance, motivation or reason to select a specific amorphous layer and place it in the position as claimed by Applicant within the Yano structure. There simply is no direction within the references to do so, and the rejection is thus a hindsight reconstruction of the present invention rather than a forward-looking combination of prior art that supplies the enablement, motivation and direction necessary to complete Applicants' invention.

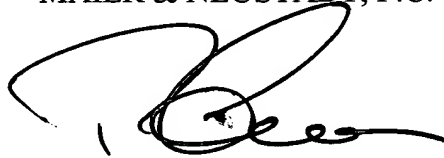
Tadatomo and Sugao similarly fail to make up for that lacking in Yano, Jia and Guenzer, as none of these references provide the direction or motivation necessary to make those changes in structure and function required to present a *prima facie* challenge to the pending claims under the Statute.

Thus, and in view of the above, Applicant respectfully requests that the Examiner indicate allowable subject matter herein, at which time the Applicant will address the double patenting rejection. Applicant appreciates the holding in abeyance of the double patenting issue, as discussed at page 11 of the Office letter.

Finally, Applicants note that Claims 2 and 17 include any binary material oxide material having a rock-salt crystalline structure. One of ordinary skill would have no trouble determining such a material, and thus in understanding the scope of these claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379



22850

Tel: (703) 413-3000
Fax: (703) 413 -2220